PTO Form 1957 (Rev 9/05)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76122283
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	

RESPONSE & REQUEST FOR RECONSIDERATION

In response to the Final Office Action dated May 5, 2006 for the above subject application and a telephone interview held on October 31, 2006 between Examiner S.B. Whalberg, the previous attorney of record, Mr. William Dippert and Mr. Allan C. Entis on behalf of the Applicant, the Applicant submits the accompanying Remarks.

REMARKS

In the Final Office Action dated May 5, 2006 the Examiner refused registration of the Mark "ASM" because "the goods in the United States application are "piezoelectric motors". The goods in the foreign registration are "AC and DC motors". These items are different types of motors and are therefore different goods", hence the foreign registration basis cannot apply..

In the telephone conference held on October 31, 2006 between the Examiner, the previous attorney of record William Dippert and Allan C. Entis on behalf of the Applicant, the latter noted that an AC or DC motor converts electrical energy provided respectively by an AC or DC power source to mechanical energy useable to move a body. Mr. Entis continued and contended that since a piezoelectric motor also converts electrical energy provided by an AC or DC power source to mechanical energy usable to move a body, a piezoelectric motor is a particular instance of a AC or DC motor and hence the refusal should be retracted.

In view of Mr. Entis's remarks, the Examiner indicated that she would be willing to reconsider the refusal if convincing arguments supporting the contention that piezoelectric motor is a specific motor of AC and DC motors, were submitted in a response to the Final Office Action. The Examiner also kindly suggested that a Notice of Appeal be filed in the event that reconsideration did not result in registration of the Mark.

With respect to classifying a piezoelectric motor as an electric motor, and in particular as an AC or DC motor, Applicant notes that an electric motor is widely defined and conventionally considered to

be a motor that converts electric energy to kinetic or mechanical energy. Note the following definitions retrieved from the Internet on November 2, 1996:

"electric motor n : a motor that converts electricity to mechanical work"

<URL:http://dict.die.net/electric%20motor/>;
"an engine for doing work using electricity"
<URL:http:sln.fi.edu/franklin/glossary.html>;
"a motor that converts electricity to mechanical work"
<URL:http://wordnet.princeton.edu/perl/webwn>; and
"An electric motor converts electrical energy into kinetic energy."
<URL:http://en.wikipedia.org/wiki/Electric_motor>.

A piezoelectric motor converts electrical energy into mechanical or kinetic energy *and therefore is certainly an electric motor.* For example, in describing a piezoelectric motor U.S. Patent 6,879,085 of the Applicant notes (column 1, lines 11-12):

> "A piezoelectric motor uses a piezoelectric vibrator to transduce electrical energy into kinetic energy that the motor transmits to a moveable body to which the motor is coupled."

Wikipedia defines a piezoelectric motor as a type of electric motor:

> "A piezoelectric motor or piezo motor is a type of electric motor based upon the change in shape of a piezoelectric material when an electric field is applied. Piezoelectric motors make use of the converse piezoelectric effect whereby the material produces acoustic or ultrasonic vibrations in order to produce a linear or rotary motion. In one mechanism, the elongation in a single plane is used to make a series stretches and position holds, similar to the way a caterpillar moves."
>
> Retrieved from the Internet on November 2, 1996, URL:http://en.wikipedia.org/wiki/Piezoelectric_motor

In an AC or DC motor electrical energy is provided to the motor either by an AC power supply or a DC power supply. In a piezoelectric motor, a power supply that provides either AC or DC power is connected to electrodes comprised in the motor to provide power to the motor.

U.S. Patent 6,879,085 referenced above notes with respect to a piezoelectric motor (column 7, lines 12-26):

> "The motor is generally coupled to a body that it moves by resiliently pressing the motor to the body so that a surface region, hereinafter referred to as a "motor-coupling-surface", of its piezoelectric vibrator contacts a surface, hereinafter referred to as a "body-coupling-surface", of the body. **Electrodes comprised in the motor are electrified (generally with an AC voltage) to excite vibrations in the vibrator that cause the motor-coupling-surface to vibrate.** Motion is transmitted from the vibrating motor-coupling-surface to move the body by

frictional forces between the motor-coupling-surface and the body-coupling-surface." (Bold typeface added.)

U.S. Patent 6,747,391 of the Applicant, notes (column 1, lines 54-56):

"The drive circuits for piezoelectric motors basically **provide AC voltages to the electrodes** according to the directional movement required or desired." (Bold typeface added.)

The front page of US Patent 7,075,211 attached herewith shows a piezoelectric motor having electrodes coupled to AC power.

In view of the above applicant submits that its piezoelectric motors are species of AC and DC motors, and therefore the US mark should be allowed to rely on the Foreign Registration basis, and respectfully requests that the refusal to register the Mark "ASM" would be rescinded. Applicant respectfully thanks the Examiner for the courtesy of the telephone interview and her helpful remarks. If any further amendment is sought by the Examiner in order to place the application in condition for approval, Applicant respectfully requests that the Examiner will allow it the opportunity to complete the response.

To avoid loss of rights, Applicant submits a Notice of Appeal to the TTAB with official fee, simultaneously upon submission of this response and request for reconsideration.

EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \761\222\76122283 \xml2\RO A0002.JPG
DESCRIPTION OF EVIDENCE FILE	The front page of Applicant's US patent 7,075,211 showing a piezoelectric motor having electrodes coupled to AC power
SIGNATURE SECTION	
RESPONSE SIGNATURE	/TE/
SIGNATORY NAME	A. Tally Eitan
SIGNATORY POSITION	Attorney for Applicant
SIGNATURE DATE	11/02/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 02 16:52:10 EST 2006
TEAS STAMP	USPTO/ROA-212.143.234.95-20061102165210513298-76122283-3402174cf214723e01a8abeb0edcaaa178a-N/A-N/A-20061102163313013318

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **76122283** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

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Evidence
Evidence in the nature of The front page of Applicant's US patent 7,075,211 showing a piezoelectric motor having electrodes coupled to AC power has been attached.
Evidence-1

Response Signature
Signature: /TE/ Date: 11/02/2006
Signatory's Name: A. Tally Eitan
Signatory's Position: Attorney for Applicant

Serial Number: 76122283
Internet Transmission Date: Thu Nov 02 16:52:10 EST 2006
TEAS Stamp: USPTO/ROA-212.143.234.95-200611021652105
13298-76122283-3402174cf214723e01a8abeb0
edcaaa178a-N/A-N/A-20061102163313013318